IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.109 OF 2006

Shri Alauddin Mohd.Issa Khan. ...Applicant
V/s.
State of Maharashtra. ...Respondent

Mr.O.M. Shaikh for Applicant.
Ms.R.M. Gadhavi, APP for the State.

CORAM : V.M. KANADE, J.

DATED : JANUARY 16, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

. The applicant is apprehending arrest by the respondent in connection with an offence which is registered on a complaint filed by Shri Ganesh Gokul Gaidhane who is Engineer working in the M.S.E.B. for the offence punishable under Sections 135 and 137 of the Indian Electricity Act.

2. Learned Counsel for the applicant submits that he is lawful user of the electric supply provided by MSEB and has his own powerloom business. It is submitted that the custodial interrogation of the

applicant is not necessary. He further submitted that applicant was not present when the panchanama was made in his premises. Further he pointed out that the name of the workshop where the applicant also to have illegally taken power connection has not been mentioned. Further, no action has been initiated against the person from whose workshop the said illegal connection has been taken.

3. Learned APP, on the other hand, submitted that there are several other complaints against the present applicant of similar nature, therefore, custodial interrogation is essential.

4. In my view, this is not a fit case for grant of anticipatory bail considering the fact that the applicant has committed theft of electricity in similar cases in the past.

. The application, therefore, is rejected.

(V.M. KANADE, J.)